

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GARY C. and GALE B. WARREN,
and TOLL BROS., INC.,

Plaintiffs,

v.

NEW CASTLE COUNTY,

Defendant.

C.A. No. 07-725 SLR-LPS

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS TO
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiffs, Gary Warren, Gale Warren and Toll Bros., Inc. hereby move for a brief extension of time in which to file Objections to the Report and Recommendation of Magistrate Judge Leonard P. Stark filed in this action on June 26, 2008 and in support thereof aver:

1. Federal Rule of Civil Procedure ("**Fed.R.Civ.P.**") 72(b)(2) provides that a party shall file and serve written objections to a Report and Recommendation of a Magistrate Judge within ten (10) days of service of the report and recommendation.

2. Under Fed.R.Civ.P. 6(a)(2), Saturdays, Sundays, and "legal holidays" (which includes Independence Day) are excluded from calculating a time period when the time period is less than eleven (11) days. Under Fed.R.Civ.P. 6(d), three days are added after the period would otherwise expire.

3. The Report and Recommendation was served on Thursday, June 26, 2008.

3. Plaintiffs' objections to the Report and Recommendation are due on or before Monday, July 14, 2008.

4. Fed.R.Civ.P. 6(b)(1) permits a Court, for good cause, to extend the time period for a party to act before the original time has expired.

6. Due to the complexity of the legal issues involved in this matter and a contemporaneous briefing schedule in another matter to the Pennsylvania Supreme Court, counsel for Plaintiffs respectfully requests a fourteen (14) day extension of time until Friday, July 25, 2008 in which to file objections to the Report and Recommendation.

7. Counsel for defendant has consented to this request for an extension.

Max B. Walton, Esquire
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1007 North Orange Street, 8th Floor
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Respectfully submitted,
By: /s/ Jeffrey M. Weiner
Jeffrey M. Weiner, Esquire (DE # 403)
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(302) 652-0505
Attorney for Plaintiffs

and

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

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ORDER

AND NOW, this _____ day of July, 2008, it is hereby ORDERED that Plaintiff's Motion for Extension of Time to File Objections to Report and Recommendation is hereby GRANTED and Plaintiff shall file its objections on or before July 25, 2008.

BY THE COURT:

Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GARY C. and GALE B. WARREN	:	
and	:	
TOLL BROS., INC.	:	
	:	
Plaintiffs,	:	Civil Action No. 07-CV-725-SLR-LPS
	:	
v.	:	
NEW CASTLE COUNTY	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Jeffery M. Weiner, hereby certify, that on July 3, 2008, I caused "Plaintiffs' Motion for Extension of Time to File Objections to the Report and Recommendation of Magistrate Judge Leonard P. Stark" to be served, by email upon counsel of record as follows:

Max B. Walton, Esquire
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Respectfully submitted,

By: /s/ Jeffrey M. Weiner
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